

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANDRE DOLBERRY,

9:11-CV-1018  
(DNH/DEP)

Plaintiff,

-v-

CORRECTION OFFICER JAKOB, et al.,

Defendants.

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APPEARANCES:

ANDRE DOLBERRY, Pro Se  
14-A-1111  
Downstate Correctional Facility  
Box F  
Fishkill, NY 12524

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
Attorney for Defendants  
The Capitol  
Albany, NY12224

DAVID N. HURD  
United States District Judge

OF COUNSEL:

ADELE TAYLOR-SCOTT, ESQ.  
Ass't Attorney General

**DECISION and ORDER**

Pro se plaintiff Andre Dolberry, who is also sometimes known as Andre Duberry, brought this action pursuant to 42 U.S.C. § 1983. On February 28, 2014, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's motion for summary judgment be denied, and that plaintiff's complaint in this action be dismissed based upon his material misrepresentation to the court, under oath, that he has

not brought any prior actions relating to his imprisonment. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

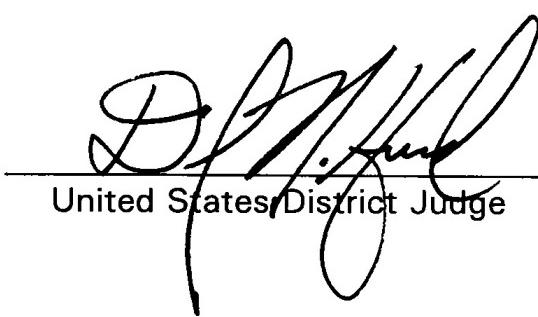
Therefore, it is

ORDERED that

1. Plaintiff's motion for summary judgment is DENIED;
2. Plaintiff's complaint is DISMISSED in its entirety based upon his material misrepresentations to the court and abuse of the litigation process; and
3. Defendants' motion for summary judgment is DENIED as moot.

The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: March 28, 2014  
Utica, New York.